

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Laura Kastner	Team: Team # 2	CCRB Case #: 201401244	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 12/28/2013 8:10 AM	Location of Incident: [REDACTED]	Precinct: 61	18 Mo. SOL 6/28/2015	EO SOL 6/28/2015	
Date/Time CV Reported Mon, 02/03/2014 3:30 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 02/07/2014 1:42 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. Officers			NARCBBS
2. An officer			NARCBBS
3. DT3 Mike Civil	02114	935092	NARCBBS
4. SGT Clifford Strong	04309	939538	NARCBBS
5. DT3 Daniel Guida	984	941862	NARCBBS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Essence Jackson	02268	938703	NARCBBS

Officer(s)	Allegation	Investigator Recommendation
A.SGT Clifford Strong	Abuse: Sgt. Clifford Strong authorized the stop of the car in which § 87(2)(b) and § 87(2)(b) were occupants.	[REDACTED]
B. Officers	Force: Officers pointed their guns at § 87(2)(b) and § 87(2)(b)	[REDACTED]
C.DT3 Mike Civil	Discourtesy: Det. Mike Civil spoke discourteously to § 87(2)(b) and § 87(2)(b)	[REDACTED]
D.DT3 Mike Civil	Force: Det. Mike Civil used physical force against § 87(2)(b)	[REDACTED]
E.DT3 Daniel Guida	Force: Det. Daniel Guida used physical force against § 87(2)(b)	[REDACTED]
F. An officer	Abuse: An officer threatened § 87(2)(b) and § 87(2)(b) with the use of force.	[REDACTED]
G. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b) and § 87(2)(b)	[REDACTED]
H.DT3 Daniel Guida	Discourtesy: Det. Daniel Guida spoke discourteously to § 87(2)(b) and § 87(2)(b)	[REDACTED]
I.DT3 Daniel Guida	Abuse: Det. Daniel Guida frisked § 87(2)(b)	[REDACTED]
J.DT3 Daniel Guida	Abuse: Det. Daniel Guida searched § 87(2)(b) and § 87(2)(b)	[REDACTED]
K.DT3 Mike Civil	Abuse: Det. Mike Civil searched the car in which § 87(2)(b) and § 87(2)(b) were occupants.	[REDACTED]

Case Summary

On February 3, 2014, § 87(2)(b) called the IAB command center to file a complaint (log # 14-4301) (encl. E1-E2), which was received at the CCRB on February 7, 2014 (encl. E3-E4). At approximately 8:10 a.m. on December 28, 2013, § 87(2)(b) was driving with his friends § 87(2)(b) and § 87(2)(b) in the vicinity of § 87(2)(b) in Brooklyn, when officers from Brooklyn South Narcotics stopped his car. The following allegations resulted:

- **Allegation A – Abuse of Authority: Sgt. Clifford Strong authorized the stop of the car in which § 87(2)(b) and § 87(2)(b) were occupants.**
- **Allegation B – Force: Officers pointed their guns at § 87(2)(b) and § 87(2)(b)**
- **Allegation K – Abuse of Authority: Det. Mike Civil searched the car in which § 87(2)(b) and § 87(2)(b) were occupants.**
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)
- **Allegation C – Discourtesy: Det. Mike Civil spoke discourteously to § 87(2)(b) and § 87(2)(b)**
- **Allegation D – Force: Det. Mike Civil used physical force against § 87(2)(b)**
- **Allegation E – Force: Det. Daniel Guida used physical force against § 87(2)(b)**
- **Allegation H – Discourtesy: Det. Daniel Guida spoke discourteously to § 87(2)(b) and § 87(2)(b)**
- **Allegation I – Abuse of Authority: Det. Daniel Guida frisked § 87(2)(b)**
- **Allegation J – Abuse of Authority: Det. Daniel Guida searched § 87(2)(b) and § 87(2)(b)**
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)
- **Allegation F – Abuse of Authority: An officer threatened § 87(2)(b) and § 87(2)(b) with the use of force.**
- **Allegation G – Discourtesy: An officer spoke discourteously to § 87(2)(b) and § 87(2)(b)**
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)

This case was not mediation eligible.

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- For § 87(2)(b)'s pedigree and employment information, see encl. E6.

CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on February 21, 2014 (encl. E6-E16). He provided additional phone statements on March 4, 2014 (encl. E17) and March 18, 2014 (encl. E18). § 87(2)(b), § 87(2)(g)

At approximately 8:10 a.m. on December 28, 2013, § 87(2)(b) was driving his friends § 87(2)(b) and § 87(2)(b) home from the men's methadone program, located in the vicinity of § 87(2)(b) and § 87(2)(b) in Brooklyn. They were in § 87(2)(b)'s black SUV. § 87(2)(b) noticed a red Kia van following him. At a red light, he pulled up next to the van and asked the occupants if there was anything wrong, but they did not respond. When the light changed, § 87(2)(b) continued driving until he hit another red light at § 87(2)(b). There, the red van reappeared from another direction and blocked § 87(2)(b)'s car in. § 87(2)(b) had nothing in his hands and made no movements. § 87(2)(b) was leaning his head on the front passenger window with his eyes closed and § 87(2)(b) was asleep in the backseat.

Det. Mike Civil, Det. Essence Jackson and Det. Daniel Guida, all identified via investigation, exited the van (for officer descriptions, see encl. E6-E16) and approached with their guns pointed at § 87(2)(b)'s car. An officer said, "Don't you fucking move." [In his March 4, 2014 phone statement, § 87(2)(b) said Det. Civil said this.] Det. Civil banged on § 87(2)(b)'s driver's window with the butt of his gun, causing scrapes to the window. § 87(2)(b) asked Det. Civil what he was doing as he held his palms on the steering wheel. Det. Civil pointed his gun at § 87(2)(b)'s face and Det. Guida pointed his gun at § 87(2)(b). § 87(2)(b) did not see a gun pointed at § 87(2)(b).

After the officers identified themselves, Det. Civil ordered § 87(2)(b) to "Open the fucking door." § 87(2)(b) pressed the unlock button on the side of his door. While holding his gun in his right hand, Det. Civil opened the door with his left hand. Det. Civil, who was the only officer on the driver's side, immediately punched § 87(2)(b) in his face with a closed fist. § 87(2)(b) could not recall which hand Det. Civil punched him with or whether the gun was in that hand. § 87(2)(b)'s glasses flew off and he sustained a black eye, a bloody nose, and a bump on his nose.

Det. Guida approached the driver's side and instructed Det. Civil to remove § 87(2)(b) from the backseat. In one quick motion, Det. Guida grabbed § 87(2)(b)'s jacket collar with one hand and § 87(2)(b)'s upper arm with the other hand, dragged him out of the car, and pushed his back and left side against the rear driver's door. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) He sustained a bruise on his arm from Det. Guida's grip and bruising on the left side of his torso from making contact with the car.

Det. Guida said "Don't you fucking move. I'll blow your fucking head off and say you reached for my weapon." § 87(2)(b) kept his hands in front of him. Det. Guida said, "You better not say a word or I'm gonna shoot you in your face and say you reached for my weapon." Det. Guida also said, "I know who the fuck you are, § 87(2)(b). Once all three men were handcuffed, the officers

reholstered their guns. § 87(2)(b) asked why Det. Guida was doing this and Det. Guida repeated his threat to shoot him. Det. Guida frisked § 87(2)(b) all over, unzipped his vest and reached inside the vest pockets. § 87(2)(b) said he had just been released from the hospital with pneumonia and was cold, but Det. Guida replied, “Shut the fuck up.” § 87(2)(b) had a \$20 bill in his front right pants pocket that Det. Guida removed, looked at and returned. He told § 87(2)(b) to open his mouth, § 87(2)(b) complied, and Det. Guida looked inside. § 87(2)(b) had no weapons on him.

Five to ten minutes into the incident, a long white van and a light gray Altima arrived. PO1 and PO2, who remain unidentified and were described as two white men, approximately 35 years old, 6’1” to 6’2” tall with Russian accents, arrived in the white van. § 87(2)(b) believed that two additional male officers were also present. [In his March 4, 2014 phone statement, § 87(2)(b) said that all of the officers at the scene were dressed in plainclothes.] There were no women present.

§ 87(2)(b) was placed inside the white van. Det. Guida asked if § 87(2)(b) had identification and said if a warrant check came back negative, “I’ll let you go home and you shut the fuck up and don’t say nothing about this.” § 87(2)(b), § 87(2)(g)

§ 87(2)(b) said his wallet was in his left cargo pocket. Det. Guida removed the wallet and took out § 87(2)(b)’s identification. [In his March 4, 2014 phone statement, § 87(2)(b) said that he saw Det. Guida reach into § 87(2)(b)’s pocket and remove his identification too.] Det. Guida and Det. Civil entered the white van while Det. Jackson stood with § 87(2)(b) and § 87(2)(b). Det. Guida eventually returned to § 87(2)(b) and § 87(2)(b) and said, “You need to keep your fucking mouth shut about this and go home.” § 87(2)(b) and § 87(2)(b)’s handcuffs were removed and the officers left with § 87(2)(b) who was arrested. No summonses resulted from this incident, which lasted 60 to 90 minutes.

§ 87(2)(b)’s car, which had been in the middle of the street blocking traffic, had been moved to a parking spot, but he did not see which officer moved it and saw no officer enter the car because he was facing away from it. § 87(2)(b) realized that his car had been searched because the contents of the center console, including § 87(2)(b)’s properly packaged weekend dosage of methadone from the methadone clinic, CDs, appointment book and change, and the contents of his glove compartment, including his car manual and other papers, had been placed on the floor. All of the items inside of the hatchback trunk were scattered around.

§ 87(2)(b)’s ex-wife took photos of his injuries, which she later emailed to the CCRB (encl. E13-E14). Four or five days later, § 87(2)(b) told the doctor who treats him at the methadone clinic that he was dizzy and having headaches. § 87(2)(b) was prescribed unidentified pills and sought no additional medical treatment.

Following this incident, § 87(2)(b) told § 87(2)(b) that Det. Guida had threatened to blow his head off and say that he reached for his gun too. § 87(2)(b) also said that prior to the car stop, officers had been to his home looking for him.

§ 87(2)(b) was interviewed by the Internal Affairs Bureau on February 3, 2014 (encl. E4a-E4b). § 87(2)(b), § 87(2)(g)

Since no interview audio was provided, the accuracy of the summary could not be confirmed.

Victim: § 87(2)(b)

- For § 87(2)(b)'s pedigree and employment information, see encl. E20.

CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on March 20, 2014 (encl. E20-E28). § 87(2)(b), § 87(2)(g)

Det. Civil, Det. Guida and PO3, who remains unidentified, were the officers who stopped § 87(2)(b)'s car. PO3 was described as a white man, 45 to 50 years old, 5'6" tall and slimmer than Det. Guida. PO3 spoke with an accent and identified himself as being of Russian descent.

Det. Civil said, "Open the fucking door [or window]" twice as he banged on § 87(2)(b)'s window with the butt of his gun. Either Det. Guida or PO3 stood in front of the car pointing his gun at the front window while the other stood by § 87(2)(b)'s door pointing his gun at him. § 87(2)(b) opened his door and Det. Civil immediately punched him in the face. While still holding his gun, which was pointed at § 87(2)(b) in one hand, Det. Civil pulled § 87(2)(b) out of the car by his left shoulder with his other hand. § 87(2)(b) saw no officer make contact with § 87(2)(b)'s neck.

§ 87(2)(b) asked what was going on, said he had just been released from the hospital, and asked why Det. Civil hit him in the face. Det. Guida said, "Shut the hell up. We do the talking." All three civilians were brought to the car's rear, where Det. Guida said, "None of you guys say a fucking word." Det. Guida asked § 87(2)(b) "Where's the fucking gun?" Det. Civil, who stood near Det. Guida, said, "Don't fucking move or [I'll blow your head off or I'll tell them that you reached for my holster to grab my gun]." PO3 said, "We don't know who the fuck this guy is," referring to § 87(2)(b). PO3 handcuffed § 87(2)(b). Det. Civil handcuffed § 87(2)(b) and Det. Guida handcuffed § 87(2)(b).

Four male plainclothed officers arrived, two in a white van and two in another vehicle that § 87(2)(b) could not describe. § 87(2)(b) could not describe these officers further; the civilians did not interact with them. At the car's rear, Det. Guida reached into § 87(2)(b)'s front right pants pocket, which contained keys, front left pants pocket, which contained loose bills, both rear pants pockets, one which contained his wallet, front interior jacket pockets, which were empty, and front exterior jacket pockets, one which contained a box of cigarettes and a prescription bottle of methadone. Det. Guida removed the methadone, looked at it, and returned it to the pocket. The white van left prior to § 87(2)(b) and § 87(2)(b) being searched. § 87(2)(b) believed the other unidentified vehicle left when the white van did.

Det. Guida said § 87(2)(b) and § 87(2)(b) would be released if they had no open warrants and asked § 87(2)(b) where his identification was. § 87(2)(b) said it was in his wallet and Det. Guida removed the wallet from his pocket and took out his identification. Det. Civil did the same thing to § 87(2)(b) and § 87(2)(b) were handcuffed for about 30 minutes. During that time, PO3 parked § 87(2)(b)'s car because it was in the middle of the street. § 87(2)(b) was unsure whether PO3 did anything else while inside the car and he saw no other officers enter it. Det. Civil stood with § 87(2)(b) and § 87(2)(b). Det. Guida had the men's identifications in the red van.

When § 87(2)(b) and § 87(2)(b) returned to § 87(2)(b)'s car, they saw that paperwork from the glove compartment was on floor and the front seat. There was no indication that anything aside from the glove compartment had been searched inside the car.

Attempts to Contact Civilians

On March 4, 2014, § 87(2)(b) was called and said he wished to confer with his attorney prior to participating in this investigation. He agreed to contact the CCRB on March 5, 2014, but failed to do so. Between March 18, 2014 and April 7, 2014, § 87(2)(b) was called four times and four voicemail messages were left for him. During the March 4, 2014 phone call, § 87(2)(b) said he was homeless and did not know the password to his only email address, so the only way to reach him was the phone number he provided.

NYPD Statements:

Subject Officer: DET. MIKE CIVIL

- *For Det. Civil's pedigree and assignment information see encl. F3.*

Memo Book

Det. Civil's memo book entries were consistent with his CCRB statement (encl. F1-F2).

CCRB Statement

Det. Civil was interviewed at the CCRB on September 19, 2014 (encl. F3-F7).

At 6:15 a.m. on December 28, 2013, the Brooklyn South Narcotics Field Team executed a search warrant at § 87(2)(b) in Brooklyn. The target was § 87(2)(b) but he was not home. Narcotics and a loaded magazine were recovered from the location and two individuals, including § 87(2)(b)'s wife, § 87(2)(b), were arrested. The officers asked § 87(2)(b) where the gun that belonged to the magazine was. She said § 87(2)(b) had the gun and was at his methadone program in the vicinity of § 87(2)(b) and § 87(2)(b). Sgt. Strong instructed Det. Civil to go to the clinic with Det. Guida and Det. Jackson to apprehend § 87(2)(b). The officers were told to follow § 87(2)(b) home and then arrest him, but that if § 87(2)(b) deviated from the route home, they should place him under arrest.

It was already light out when § 87(2)(b) and § 87(2)(b) left the clinic. The officers followed their car, but § 87(2)(b) eventually "made" them, yelled something from his window and turned right, cutting off several cars and almost striking a family. From one lane away, Det. Civil saw § 87(2)(b) and § 87(2)(b) put their heads down, but he did not recall seeing any additional movement inside the car. § 87(2)(b) turned left and drove the wrong way down a one way street. The officers lost sight of the car for about a minute, but then saw § 87(2)(b)'s car in the vicinity of § 87(2)(b). They cut the car off and initiated a car stop around 8 a.m.

All three officers approached § 87(2)(b)'s car. Det. Civil drew his gun and pointed it at § 87(2)(b)'s car, but not at a specific person. Det. Civil feared for his safety because § 87(2)(b) said that § 87(2)(b) had a gun with him and because he did not know the intentions of the car occupants whose hands he could not see, who had already tried to evade the officers and who had indicated a disregard for the safety of pedestrians and other vehicles. Once he saw everyone's hands, Det. Civil reholstered his gun.

§ 87(2)(b) had a rolled up newspaper in his hand that Det. Civil later learned contained heroin, although he did not see the heroin until after § 87(2)(b) was arrested. The officers ordered the civilians to exit. Det. Civil mainly focused on § 87(2)(b) while Det. Guida and Det. Jackson dealt with § 87(2)(b) and § 87(2)(b) but Det. Civil did not know which of his partners dealt with

which of those civilians.

Det. Civil ordered § 87(2)(b) to unlock and open his door, but did not say, “Open the fucking door,” “Don’t you fucking move,” or “None of you guys say a fucking word.” Det. Civil considered § 87(2)(b) to be under arrest as soon as he saw him exit the clinic and seconds into the car stop, he frisked and handcuffed § 87(2)(b). Det. Civil asked if § 87(2)(b) had a weapon on him, but never said, “Where’s the fucking gun?” Det. Civil saw no officer punch § 87(2)(b) or drag him out of his car by his arm or neck. § 87(2)(b) had no injuries. Det. Civil did not recall seeing the injuries visible in § 87(2)(b)’s photos (encl. E13-E14).

Det. Civil initially said Det. Guida and Det. Jackson frisked § 87(2)(b) and § 87(2)(b) who were brought to the car’s rear. He later said he was on the passenger’s side at the time. When asked if Det. Civil saw § 87(2)(b) and § 87(2)(b) be frisked, he said, “not really [but] I’m pretty sure they would have frisked.” When asked if he knew why § 87(2)(b) and § 87(2)(b) would have been frisked, Det. Civil said, “We had reasonable founded suspicion that they had a weapon on them or in their general vicinity.” [DEA Rep. Joe Montori interjected to ask if Det. Civil saw § 87(2)(b) and § 87(2)(b) being frisked and Det. Civil said he did not.]

At the rear of the car, § 87(2)(b) and § 87(2)(b) who were told why they had been stopped and were never handcuffed, were compliant. Det. Civil said he believed § 87(2)(b) and § 87(2)(b) were asked to produce identification. He denied that anyone was searched. Det. Civil did not use profanity or threaten any civilian with the use of force and he heard no officer do so.

Det. Civil initially said he looked under § 87(2)(b)’s seat in § 87(2)(b)’s car and recovered glassine envelopes of heroin, but later said § 87(2)(b) put the newspaper he had been holding down on his seat and that the heroin was recovered from there. Eventually, Det. Civil said that aside from looking under § 87(2)(b)’s seat, no further car search took place. Det. Civil never searched the glove compartment, center console or trunk and he saw no officer do so. No additional officers entered the car, which was positioned in the street on § 87(2)(b) and was obstructing traffic. Det. Civil could not recall if the car was moved during the incident.

Once the officers determined that the car contained no weapons or contraband, § 87(2)(b) and § 87(2)(b) were free to leave. The officers decided not to arrest or summons them because § 87(2)(b) was apologetic and said he drove erratically because he thought someone from the methadone clinic had been following him. Sgt. Strong and his unknown partner later arrived to verify § 87(2)(b)’s arrest and the prisoner van, containing Det. Anthony Maida and PO Francis Collado [female], also arrived at that point to transport § 87(2)(b). § 87(2)(b) did not have a gun with him, but later told Det. Guida that the gun associated with the recovered magazine was inside of his home. The gun was later recovered from there.

Subject Officer: DET. DANIEL GUIDA

- *For Det. Guida’s pedigree and assignment information see encl. F11.*

Memo Book

Det. Guida’s memo book entries were consistent with his CCRB statement (encl. F8-F10).

CCRB Statement

Det. Guida was interviewed at the CCRB on September 24, 2014 (encl. F11-F15). § 87(2)(g)

Pursuant to the execution of the search warrant, a gun magazine and ammunition were recovered from § 87(2)(b)'s home. § 87(2)(b) said she believed § 87(2)(b) had the corresponding gun with him and provided his location. Sgt. Strong instructed the officers to follow § 87(2)(b) home, but only to arrest § 87(2)(b) in front of his home. The officers kept in contact with Sgt. Strong via phone. When they first spotted § 87(2)(b) they requested permission to pick him up, but Sgt. Strong said no. When § 87(2)(b) "made" the officers, he flipped them off, said something to the effect of, "Fuck you guys," ran a red light and turned onto a one-way street headed in the wrong direction. The officers were not on the phone with Sgt. Strong at the time. Det. Guida told his partners that he believed they would lose § 87(2)(b) noted that he was driving like a maniac, and said they had to do something. They decided to stop the car solely to arrest § 87(2)(b).

Det. Guida did not recall observing movement inside the car prior to the initiation of the car stop. He believed he approached the passenger's side. As he exited his car, Det. Guida unholstered his gun and pointed it at § 87(2)(b)'s car because he believed § 87(2)(b) to be armed but did not know where in the car the gun was. When the civilians showed the officers their hands, Det. Guida reholstered his gun. He could not recall if Det. Civil or Det. Jackson drew their guns. § 87(2)(b) and § 87(2)(b) were ordered to exit the car and complied unassisted. Det. Guida saw no officer punch § 87(2)(b) in his face or pull him out of the car by his arm or neck from his position. Det. Guida observed no injury to § 87(2)(b) including those visible in his photos (encl. E13-E14).

Det. Guida did not recall § 87(2)(b) or Det. Guida making any movements once out the car. They were never handcuffed, frisked or searched. § 87(2)(b) and § 87(2)(b) provided their names. Det. Guida could not recall if they produced identification or were asked to do so. Det. Guida did not specifically recall any officer searching the glove compartment, center console or trunk of § 87(2)(b)'s car, but said Det. Civil recovered heroin from either the floor of the front passenger's seat or inside the center console. Additionally, because the car was obstructing traffic, Det. Guida believed an officer, he could not recall which officer, moved it. Det. Guida did not believe that a further search of the car occurred. He made none of the alleged discourteous statements or threats of force and he heard no officer do so. No officer used profanity during this incident.

The officers called Sgt. Strong and told him what had happened. Sgt. Strong instructed them to only take § 87(2)(b) into custody. Within five minutes of the car stop, § 87(2)(b) and § 87(2)(b) were released. Det. Victor Robalino eventually arrived alone in the prisoner van. Det. Guida was certain that Det. Maida and PO Collado were never at the scene and did not believe that Sgt. Strong was either. None of the officers there had a Russian accent.

Witness Officer: DET. ESSENCE JACKSON

- *For Det. Jackson's pedigree and assignment information see encl. F25.*

Memo Book

Det. Jackson's memo book entries were consistent with his CCRB Statement (encl. F22-F24).

CCRB Statement

Det. Jackson was interviewed at the CCRB on November 7, 2014 (encl. F25-F28). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b) said that § 87(2)(b) had a gun on him and Sgt. Strong instructed Det. Jackson,

Det. Guida and Det. Civil to go to the clinic to conduct surveillance and follow § 87(2)(b) home.

The officers exited their car with their guns pointed toward § 87(2)(b)'s car because § 87(2)(b) had said he possibly had a gun on him. Det. Jackson could not recall which side of the car he approached, but one of his partners approached the passenger's side and one approached the driver's side. Det. Jackson did not see whether an officer assisted § 87(2)(b) out of the car. No officer punched § 87(2)(b) in the face or pulled him from the car by his shoulder or neck. Det. Jackson observed no injury to § 87(2)(b) including those visible in his photos (encl. E13-E14). Once the civilians were out of the car, Det. Jackson reholstered his gun and returned to the officers' car to move it out of the way of traffic. He never lost sight of the scene.

§ 87(2)(b) and § 87(2)(b) were not handcuffed, frisked or searched and the officers never suspected that the gun might be with them. Det. Jackson did not know if they were asked to produce identification. § 87(2)(b)'s car was moved because it was blocking traffic, but Det. Jackson could not recall which of his partners moved it. He could not recall which of his partners he saw enter and search the areas of § 87(2)(b)'s car where the civilians had been sitting for a gun. Det. Jackson did not see if any of the car's compartments were opened. He never entered the car. Det. Jackson made none of the alleged discourteous statements or threats of force and he heard no officer do so. No officer used profanity during this incident. The car stop lasted approximately 20 minutes and concluded when the prisoner van arrived. Det. Jackson could not recall who arrived inside, but said those officers took no actions at the scene.

Subject Officer: SGT. CLIFFORD STRONG

- *For Sgt. Strong's pedigree and assignment information see encl. F19.*

Memo Book

Sgt. Strong's memo book entries were consistent with his CCRB statement (encl. F16-F18).

CCRB Statement

Sgt. Strong was interviewed at the CCRB on October 22, 2014 (encl. F19-F21).

Because § 87(2)(b) was not home and because he was known to carry a gun, Sgt. Strong instructed the officers to follow § 87(2)(b) assuming he would return home. Sgt. Strong did not recall whether § 87(2)(b) provided him with any information about how to find § 87(2)(b). Sgt. Strong initially said he was not in contact with the officers prior to them initiating the car stop and when called afterwards, was informed that they had stopped § 87(2)(b)'s car for an unknown traffic infraction. Sgt. Strong later said he did not know if he instructed the officers to stop the car. He went to the car stop location to verify § 87(2)(b)'s arrest, but could not recall how he arrived, who he arrived with or how long he was there. Upon his arrival, § 87(2)(b) was standing outside handcuffed. Sgt. Strong could not recall where § 87(2)(b) and § 87(2)(b) were, but said they were calm. Sgt. Strong did not see any officer draw or point their gun, use physical force or frisk or search any civilian. He did not hear any officer use discourteous language. Sgt. Strong saw no officer enter § 87(2)(b)'s car and was unaware of a car search taking place.

NYPD Documents

- § 87(2)(b) Search Warrant § 87(2)(b) was issued by the Honorable Judge § 87(2)(b) on December 24, 2013 for § 87(2)(b), § 87(2)(b) in Brooklyn and § 87(2)(b) (a light-skinned Hispanic man, 30 to 32 years old, 5'10" tall), if found therein (encl. G3-G5).
- For details of the Tactical Plan and Pre-Execution Plan associated with the execution of the

search warrant, see encl. G1-G2, and for details of § 87(2)(b)'s complaint report and arrest

report, § 87(2)(b) complaint report and arrest report and the property vouchers associated with § 87(2)(b)'s arrest, see encl. G6-G15 and G17-G42.

- The Stop and Frisk Log confirms that no Stop, Question and Frisk Reports were prepared for § 87(2)(b) or § 87(2)(b) (encl. G60).

Arrest for Incident and Disposition

Case number § 87(2)(b) remains open. The next scheduled court date is § 87(2)(b) in § 87(2)(b) (encl. H30-H33).

Status of Civil Proceedings

§ 87(2)(b) and § 87(2)(b) have filed Notices of Claim with the City of New York as of June 19, 2014, nearly three months past the filing deadline, with regard to this incident.

Civilians' CCRB History

For § 87(2)(b)s, § 87(2)(b)s and § 87(2)(b)s criminal histories and CCRB histories, see encl. H1-H39 and encl. C1-C3.

Subject Officers' CCRB History

- Sgt. Strong, a nine-year-member-of-the-service, and Det. Guida, an eight-year-member-of-the-service, have no substantiated CCRB allegations against them (encl. B1 and B7).
- Det. Civil has been a member of the service for ten years and there are three substantiated CCRB allegations against him (encl. B2-B6).
 - In CCRB case number 2006093036, the board recommended charges against Det. Civil for using physical force against an individual. Det. Civil was found not guilty at trial.
 - In CCRB case number 200715114, the board recommended charges against Det. Civil for stopping a car. The NYPD declined to prosecute.
 - In CCRB case number 201113437, the board recommended charges against Det. Civil for speaking discourteously to an individual. Det. Civil received Command Discipline B.

Conclusion

Identification of Subject Officers

- Because a preponderance of evidence (officer interviews) indicates that Sgt. Strong authorized the stop of § 87(2)(b)'s car, Allegation A has been pled to him.
- § 87(2)(b), § 87(2)(g), Det. Civil, Det. Guida and Det. Jackson acknowledged being the only officers initially present. However, because § 87(2)(b)'s description of PO3 differs significantly from these officers' physical characteristics, it remains unclear which of them is PO3. As such, the discourtesy allegation § 87(2)(b) alleged was made by PO3 has been pled to "An officer."
- § 87(2)(b) identified Det. Civil as the officer who punched him, § 87(2)(b), § 87(2)(g) but this confusion is understandable given that Det. Civil had allegedly been standing where Det. Guida was moments prior and that § 87(2)(b) was on the passenger's side of the car. § 87(2)(b), § 87(2)(g) Therefore, this allegation has been pled as physical force and not as a chokehold.
- Because § 87(2)(b) and § 87(2)(b) were inconsistent in discerning whether Det. Guida or

Det. Civil was the officer who repeatedly threatened them with the use of force and because no officer acknowledged making the alleged statements or hearing either of those officers do so, Allegation F has been pled to “An officer.”

- § 87(2)(b) and § 87(2)(b) alleged that § 87(2)(b)'s car was searched by unknown officer(s). Det. Civil acknowledged conducted a limited search of the car, but denied the more extensive one alleged by the civilians. However, no other officer interviewed acknowledged entering § 87(2)(b)'s car, let alone searching it. Allegation K has therefore only been pled to Det. Civil.

Allegation Not Pled

- No damaged property allegation has been pled to Det. Civil because in his March 4, 2014 phone statement, § 87(2)(b) said that his damaged car window was not an aspect of his complaint.
- Because § 87(2)(b) was arrested, no frisk allegation has been pled to Det. Civil in regard.

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: Sgt. Clifford Strong authorized the stop of the car in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation B – Force: Officers pointed their guns at § 87(2)(b) and § 87(2)(b)

Allegation K – Abuse of Authority: Det. Mike Civil searched the car in which § 87(2)(b) and § 87(2)(b) were occupants.

It is undisputed that Det. Civil, Det. Guida and Det. Jackson stopped the car in which § 87(2)(b) and § 87(2)(b) were occupants and that the officers approached the car with their guns pointed. § 87(2)(b), § 87(2)(g)

Generally, information provided by an identified citizen accusing another individual of the commission of a specific crime is sufficient to provide the police with probable cause to arrest. People v. Williams, 301 A.D2d 543 (App. Div. – 2003) (encl. A1-A2). If the individual is found inside a car, the automobile exception to the search warrant requirement authorizes the officers to search the car. People v. Robertson, 109 A.D.3d 743 (1st Dept. – 2013) (encl. A3). A valid arrest for a crime authorizes a search of the vehicle, including any closed containers visible in the passenger compartment of the vehicle, in which the arrested person is travelling when the circumstances create a reasonable suspicion that the vehicle or its visible contents may be related to a crime or the commission thereof. People v. Yancy, 86 N.Y.2d 239 (1995) (encl. A4-A9). An officer may draw and point his firearm at an individual if he has a reasonable fear for his safety. PD v. Gliner, OATH Index No. 955/500 (encl. A10-A29).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation C – Discourtesy: Det. Mike Civil spoke discourteously to § 87(2)(b)

and § 87(2)(b)

Allegation D – Force: Det. Mike Civil used physical force against § 87(2)(b)

Allegation E – Force: Det. Daniel Guida used physical force against § 87(2)(b)

Allegation H – Discourtesy: Det. Daniel Guida spoke discourteously to § 87(2)(b)

and § 87(2)(b)

Allegation J – Abuse of Authority: Det. Daniel Guida searched § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) alleged that Det. Civil and Det. Guida made numerous discourteous statements during the course of this incident (see civilian statements), but Det. Civil and Det. Guida denied using profanity and all four officers interviewed denied hearing any other officer do so. Additionally, § 87(2)(b) and § 87(2)(b) alleged that § 87(2)(b) was punched in the face and pulled from his car, but no officer interviewed corroborated this. Although § 87(2)(b) provided photos of his injuries, he sought no medical treatment in regard to document the extent of the injuries or when they were sustained. Finally, § 87(2)(b) and § 87(2)(b) each alleged that Det. Guida searched their pockets, but Det. Guida denied doing so and none of the other officers interviewed acknowledged seeing Det. Guida do so.

§ 87(2)(b), § 87(2)(g)

Allegation F – Abuse of Authority: An officer threatened § 87(2)(b) and § 87(2)(b) with the use of force.

Allegation G – Discourtesy: An officer spoke discourteously to § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) alleged that an officer threatened them and § 87(2)(b) with the use of

force, but § 87(2)(b) attributed these statements to Det. Guida and § 87(2)(b) attributed them to Det. Civil. Additionally, § 87(2)(b) alleged that PO3 said, “We don’t know who the fuck this guy is,” referring to § 87(2)(b) § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation I – Abuse of Authority: Det. Daniel Guida frisked § 87(2)(b)

§ 87(2)(b) alleged that after he was removed from his car, Det. Guida frisked him. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b). Consequently, although Det. Guida acknowledged that § 87(2)(b) was removed from his car, he denied frisking him and none of the officers interviewed acknowledged seeing Det. Guida do so. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date